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Attorney for Plaintiff, JOSHUA ASSIFF

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSHUA ASSIFF,

Plaintiff,

v.

**COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532;
And DOES 1 through 10,**

Defendants.

Case No. 2:22-cv-05367 RGK (MAAx)

**MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION TO
DEFENDANTS' MOTION IN LIMINE
#5**

Action Filed: August 3, 2022
Pretrial Conference: July 10, 2023
Trial Date: July 25, 2023

Assigned to: Hon. R. Gary Klausner,
District Judge, Courtroom 850

Plaintiff, JOSHUA ASSIFF (hereinafter "Plaintiff") hereby respectfully submits the following memorandum of points and authorities in opposition to Defendants' motion in limine #5 to preclude evidence of comments, findings and/or opinions from third-parties associated with the Los Angeles Sheriff's Department's ("LASD") review regarding the subject incident as evidence of liability.

I. INTRODUCTION

Plaintiff is a 21-year old black male and a student at Antelope Valley College where he plays basketball. Plaintiff was driving from his home to a teammate's house

1 in order to carpool to basketball practice. For no apparent reason and without
2 probable cause, KELLY, a male Caucasian motorcycle Sheriff deputy, pulled
3 Plaintiff over. For no apparent reason and without probable cause, KELLY – as well
4 as other deputies who subsequently responded to the call – all tasered, choked, pepper
5 sprayed, beat and arrested Plaintiff. Plaintiff has asserted the First Cause of Action
6 against KELLY for violation of 42 USC § 1983 (arrest without probable cause and
7 with excessive force).

8 **II. THIS MOTION IS VAGUE AND AMBIGUOUS AS TO WHAT**
9 **EVIDENCE IT REFERS TO, AND SHOULD BE DENIED**

10 Defendants argue that “comments, findings and/or opinions from third-parties
11 associated with the Los Angeles Sheriff’s Department’s (“LASD”) review regarding
12 the subject incident as evidence of liability” should be precluded. However, it is
13 unclear what evidence this motion refers to. The motion fails to identify the “third-
14 parties” and fails to identify the “comments, findings and/or opinions.” Thus, any
15 order based upon this motion would be fatally vague, and Plaintiff would not know
16 how to comply with the order or what might violate it.

17 **III. CONCLUSION**

18 For the reasons set forth above, this motion should be denied..

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20 DATED: June 30th, 2023

The Law Office Of Thomas M. Ferlauto, APC

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22 By: _____

23 Thomas M. Ferlauto

24 Attorney For: Plaintiff, JOSHUA ASSIFF
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